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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,656	11/29/2001	Yosuke Kusaka	111231	2644
25944	7590	11/04/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,656	<b>Applicant(s)</b> KUSAKA, YOSUKE	
	<b>Examiner</b> Yogesh K Aggarwal	<b>Art Unit</b> 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/25/2002</u> . | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanba (US Patent # 6,297,870) in view of Cook (US Patent # 6,788,332).

[Claims 1,2,8,9, 12,14]

Nanba discloses an image-capturing device that is an electronic camera (figure 4) comprising an image sensor (303) that captures a subject image and generates image data (col. 4 lines 28-30), a buffer memory (209) that temporarily stores the image data (col. 5 lines 43-49), a connection unit (212) that is a slot (figure 3, element 17) that electrically and detachably connects a portable memory that is a memory card (8) to a main body (col. 5 lines 66-67), a USB communication circuit (213) capable of communicating with an external device (col. 6 lines 1-3). It would be inherently taught that an image storage control unit (211) will store the image data temporarily into a buffer memory (209) and transfer into the portable memory (8) connected at said connection unit (212) after the image processing. Nanba also teaches transferring the image data temporarily stored at said buffer memory to the external device via said USB cable communication circuit if the portable memory is substantially unusable i.e. not connected or full (col. 7 line 21-col. 8 line 23, figures 6A-6B). Nanba teaches that the communication I/F 213 is an interface based on, for example, the USB standard, or any other interface for communication for externally connecting to the device like a PC 1000 (col. 6 lines 1-3) but fails to teach a wireless

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communication medium. However Cook teaches a device 10 (figure 1) having a digital camera (11) with a wireless transceiver (22) in order to transmit images wirelessly (col. 2 lines 34-38). Therefore taking the combined teachings of Nanba and Cook it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a wireless transceiver inside a digital camera. The benefit of doing so would be to make the digital camera portable as taught in Cook (col. 2 line 20) which means it can be used to transmit images from a rough terrain to a PC wirelessly where no landlines are available.

[Claims 3, 4]

Nanba teaches at steps S2 (figure 6A) whether there is a memory card attached and if it is not attached the image data is transferred to a PC (Steps S15 and S1006, S1007). In step S3 (figure 6A), the controller detects if the remaining capacity of the card and if it not possible to record the image data is transferred to a PC (Steps S15 and S1006, S1007).

[Claim 10]

Nanba teaches in step S11 (figure 6A) if the Transmit status signal S1005 is received from the PC or not and if the signal is not received there can be no photographing (S12) which means that the image data remains in the portable memory if it is connected (col. 7 lines 61-67).

[Claim 11]

Nanba teaches that at S11 (figure 6A) if the Transmit status signal S1005 is not received from the PC a warning message is displayed on the display 10 in S12, regarded as the PC 1000 is either not connected to the digital camera 1 or the PC side is unable to record the image due to its busy state or not having sufficient memory (col. 7 lines 61-67).

[Claim 13]

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Nanba discloses an image-capturing device that is an electronic camera (figure 4) comprising an image sensor (303) that captures a subject image and generates image data (col. 4 lines 28-30), a buffer memory (209) that temporarily stores the image data (col. 5 lines 43-49), a connection unit (212) that is a slot (figure 3, element 17) that electrically and detachably connects a portable memory that is a memory card (8) to a main body (col. 5 lines 66-67), a USB communication circuit (213) capable of communicating with an external device (col. 6 lines 1-3). It would be obvious that an image storage control unit (211) will store the image data temporarily into a buffer memory (209) and transfer into the portable memory (8) connected at said connection unit (212). Nanba also teaches transferring the image data temporarily stored at said buffer memory to the portable memory 8 if it is connected at said connection unit (col. 7 line 21-col. 8 line 23, figures 6A-6B). It would be obvious that the image data will be transferred to an external device only if the communication circuit is connected to the camera. Nanba teaches that the communication I/F 213 is an interface based on, for example, the USB standard, or any other interface for communication for externally connecting to the device like a PC 1000 (col. 6 lines 1-3) but fails to teach a wireless communication medium. However Cook teaches a device 10 (figure 1) having a digital camera (11) with a wireless transceiver (22) in order to transmit images wirelessly (col. 2 lines 34-38). Therefore taking the combined teachings of Nanba and Cook it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a wireless transceiver inside a digital camera. The benefit of doing so would be to make the digital camera portable as taught in Cook (col. 2 line 20) which means it can be used to transmit images from a rough terrain to a PC wirelessly where no landlines are available.

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## [Claim 15]

Nanba discloses an image-capturing device that is an electronic camera (figure 4) comprising an image sensor (303) that captures a subject image and generates image data (col. 4 lines 28-30), a connection unit (212) that is a slot (figure 3, element 17) that electrically and detachably connects a portable memory that is a memory card (8) to a main body (col. 5 lines 66-67), a USB communication circuit (213) capable of communicating with an external device (col. 6 lines 1-3). Nanba also teaches transferring the image data temporarily stored at said buffer memory to the external device via said USB cable communication circuit if the portable memory is substantially unusable (col. 7 line 21-col. 8 line 23, figures 6A-6B). Nanba teaches that at S11 (figure 6A) if the Transmit status signal S1005 is not received from the PC a warning message is displayed on the display 10 in S12, regarded as the PC 1000 is either not connected to the digital camera 1 or the PC side is unable to record the image due to its busy state or not having sufficient memory (col. 7 lines 61-67). Nanba teaches that the communication I/F 213 is an interface based on, for example, the USB standard, or any other interface for communication for externally connecting to the device like a PC 1000 (col. 6 lines 1-3) but fails to teach a wireless communication medium. However Cook teaches a device 10 (figure 1) having a digital camera (11) with a wireless transceiver (22) in order to transmit images wirelessly (col. 2 lines 34-38). Therefore taking the combined teachings of Nanba and Cook it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a wireless transceiver inside a digital camera. The benefit of doing so would be to make the digital camera portable as taught in Cook (col. 2 line 20) which means it can be used to transmit images from a rough terrain to a PC wirelessly where no landlines are available.

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3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanba (US Patent # 6,297,870), Cook (US Patent # 6,788,332) and in further view of Steinberg et al. (US Patent # 6,638,325).

[Claim 5]

Nanba in view of Cook fails to teach “a nonvolatile internal memory, wherein the image storage control unit stores in said internal memory image identification information used to identify the image data and transmission recipient information used to identify the external device to which the image data are to be transmitted, when transferring the image data temporarily stored at said buffer memory to the external device via said wireless communication circuit”. However Steinberg et al. teaches that a communication device 180 attached to a digital camera 184 (figure 9) can be used to program the information concerning the destination 18, like a PC or a video monitor or a printer or any other remote device (col. 8 lines 18-23, figure 7) in order to transmit data to different devices. Therefore taking the combined teachings of Nanba, Cook and Steinberg it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have image identification information used to identify the image data and transmission recipient information used to identify the external device to which the image data are to be transmitted, when transferring the image data. The benefit of doing so would be so that the user can transmit information to different devices simply by programming and storing the destination information in an internal memory without the need to remember the destination addresses.

[Claim 6]

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Nanba also teaches transferring the image data temporarily stored at said buffer memory to the external device via said USB cable communication circuit if the portable memory is substantially unusable (col. 7 line 21-col. 8 line 23, figures 6A-6B). Steinberg et al. teaches that a communication device 180 attached to a digital camera 184 (figure 9) can be used to program the information concerning the destination 18, like a PC or a video monitor or a printer or any other remote device (col. 8 lines 18-23, figure 7) in order to transmit data to different devices.

Therefore it would be obvious to one skilled in the art based upon the teachings of Nanba, Cook and Steinberg that when a usable portable memory is detected to be connected at said connection unit after the image data are transferred, based upon said image identification information and said transmission recipient information stored in said internal memory and stores the image data thus received into the portable memory.

[Claim 7]

Nanba teaches storing thumbnail images of the images that are transferred to the external device into an external memory (col. 6 lines 37-42). However Official Notice is taken of the fact that the thumbnail images can be stored in the internal memory too in order to have more space to store images in the external memory. Therefore taking the combined teachings of Nanba, Cook, Steinberg and Official Notice it would have been obvious to one skilled in the art at the time of the invention to have been stored thumbnail images in an internal memory in order to have more space to store images in the external memory.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
October 21, 2004

  
TUANHO  
PRIMARY EXAMINER